



COUNCIL STUDY SESSION ITEM ERRATA SHEET
MEETING DATE: February 23, 2016

TO: City Council

FROM: Hillard Heintze

DATE: February 23, 2016

AGENDA

ITEM: Hillard Heintze Report - Independent Analysis of Police Data and Review of Professional Police Complaint Processes

Attached please see amended items for the Hillard Heintze Report. We apologize for any inconvenience from this late submittal. The following changes are provided:

- 1.) Page 34. The formatting of data in the last paragraph has been updated (e.g., "4:7" is now expressed as "4.7").
- 2.) Table 15 on Page 35 and Table 16 on Page 36. The formatting of data in Column 3 (Ratio) has been updated (e.g., "5:8" is now expressed as "5.8").
- 3.) Page 38. The second paragraph under "1. Comparing Boulder's Arrest Rates" has been updated as follows:

"We can learn a great deal from looking at citation data. These are generally minor offenses, and officers have significant discretion about what action they take. When we look at citations for traffic offenses and non-traffic offenses in Boulder, a relatively clear pattern emerges. That is, for each year of our study at least two percent of these citations were issued to black persons. That fact, in and of itself, is not very instructive until we know what to compare it to."

The second paragraph under "1. Comparing Boulder's Arrest Rates" formerly read:
This data is noteworthy. The offenses are generally minor and officers have significant discretion about what action they take. When we look at citations for traffic offenses and non-traffic offenses in Boulder, a relatively clear pattern emerges: for each year of our study at least two percent of these citations were issued to African Americans.

4.) Page 41. Under "Complaint Submission: Any complaint or concern may be directed to the Department as follows:", the 5th bullet was deleted: "Contacting the Community Advocates Program, which is not part of BPD, by calling the City's Office of Human Rights."

5.) Page 41. Under "Complaint Submission", the paragraph beginning "In some situations, the complainant may be afraid of filing a complaint..." has been updated as follows: "In some situations, the complainant may be afraid of filing a complaint. In these cases, the complainant can call the City's Community Relations office for help such as Spanish translation, mediation and referral to other community agencies for resources and assistance to support the complainant."



Table 14 shows whether a black suspect who was arrested was a resident of Boulder.

Table 14
Arrests of Blacks and Boulder Residency

	Felony Arrests of Blacks	Felony Arrests of Black Residents	Percentage	All Felony Arrests	Percentage of Felony Arrests of Black Residents
2011	47	31	65.96%	591	5.25%
2012	32	19	59.38%	635	2.99%
2013	43	22	51.16%	638	3.45%
2014	45	28	62.22%	680	4.12%
2015	50	22	44.00%	594	3.70%

COMPARISON OF INCIDENT DATA FROM COMPARABLE CITIES

It is instructive to look at BPD arrest data in comparison to other cities. The FBI Uniform Crime Reporting (UCR) Program (Tables 15 and 16) - the same data used by *USA Today* in its article on this subject on November 14, 2014 - counts one arrest for each separate instance in which an individual is arrested, cited or summoned for an offense. The UCR Program collects arrest data on 28 offenses, both felonies and misdemeanors. Because the UCR is a national data system, there is always some variation in the way in which agencies submit data. For example, in 2011 and 2012, BPD erroneously reported "ARC holds" (detox holds at Boulder's Addiction Recovery Center) as arrests under the NIBRS code 4299 (drunkenness). In mid-2012, they discovered the error. For consistency, they reported detox holds as arrests under 4299 for the remainder of 2012 and stopped reporting them for 2013. For 2011 and 2012, the data years used in the *USA Today* article, BPD over-reported a total of 2,721 arrests that were ARC holds out of a total of 8,869 adult arrests.

Removing the ARC holds from the BPD arrest data results in the following:

1. 2011 black arrests, 227; non-black arrests - 4,012
2. 2012 black arrests 187; non-black arrests - 4,443

Based on this data, the black arrest rate per 1,000 population for the period is 414. For non-blacks, the arrest rate is 87.7. Thus the ratio of black to non-black arrests is 4.7.



In the following tables, we describe the arrest rates per 1,000 residents for blacks and non-blacks. These rates are based on FBI arrest data we reviewed for 2011 and 2012 and census data for 2010.⁹ Note that this data comes from an interactive site hosted by *USA Today*. We did not independently verify the accuracy of the data submitted by the comparison cities to the FBI/UCR.

Table 15 compares Boulder to other communities in Colorado. **Table 16** illustrates the rates for several other communities with large universities.

Table 15

2011 - 2012 Arrest Data from Comparable Colorado Cities

City	Black Rate	Non-Black Rate	Ratio
Arvada PD	432.4	74.4	5.8
Boulder PD	568.5	117.8	4.8
Castle Rock PD	173.1	38.9	4.4
Broomfield	449.7	119.7	3.8
Denver	90.5	24.3	3.7
Boulder County SO	58.1	16.1	3.6
Fort Collins	264.4	74.8	3.5
Longmont	299.4	90.2	3.3
Westminster	410.0	125.3	3.3
Thornton	250.3	97.1	2.6
Northglenn	324.7	151.9	2.1
Greeley	238.5	135.7	1.8



Table 16

2011 - 2012 Arrest Data from Comparable Cities with Large Universities

City	Black Rate	Non-Black Rate	Ratio
Palo Alto, CA	379.3	34.2	11.1
Lincoln, NE	614.0	98.6	6.2
Iowa City, IA	540.6	96.0	5.6
Columbia, MO	382.1	73.7	5.2
Provo, UT	280.9	57.4	4.9
Boulder, CO	568.5	117.8	4.8
Ann Arbor, MI	125.2	27.6	4.5
Lawrence, KS	410.5	102.4	4.0
Cambridge, MA	62.8	15.6	4.0
Eugene, OR	513	130.2	3.9
Annapolis, MD	421.6	122.3	3.4
Tempe, AZ	405.5	120	3.4
New Haven, CT	281	100.8	2.8



HOW WE INTERPRET THE DATA

Any study of racial bias in policing must invariably face several challenges. First, like any statistical study, there will likely be alternative explanations for the same outcome. Second, there are no “pass” or “fail” scores in this domain – meaning, there is no level of disparity at which we can unequivocally announce that a result is good or bad. Finally, no statistical test can tell us exactly what was in the mind of an officer when an enforcement decision was made. Given these caveats, we can offer the following interpretation of the data.

1. Comparing Boulder's Arrest Rates

It is instructive to examine the FBI arrest rates. The arrest rate for African Americans and the ratio of arrests for blacks vs. non-blacks in Boulder is generally higher than the Colorado cities listed. However, when we compare Boulder to other university communities, a different pattern emerges – many of these communities also have very high arrest rates for African Americans.

We can learn a great deal from looking at citation data. These are generally minor offenses, and officers have significant discretion about what action they take. When we look at citations for traffic offenses and non-traffic offenses in Boulder, a relatively clear pattern emerges. That is, for each year of our study at least two percent of these citations were issued to black persons. That fact, in and of itself, is not very instructive until we know what to compare it to.

2. Benchmarking

One of the biggest challenges in constructing a rate is to properly define the affected minority population, as this serves as the denominator. In the subject area of racial bias in traffic stops, there has been significant debate, and even after nearly 20 years and scores of studies, no single well-accepted methodology has emerged. Perhaps the best indicator of the minority driving population comes from roadside surveys in which observers capture the race of drivers as they pass. Even this method is subject to observer error or bias, and moreover, it is particularly difficult to discern the race of drivers at night.

As a result, most studies rely on some modified benchmark based on population. In places like Boulder, population data can be particularly troublesome. There is a large daily, non-resident commuting population, a substantial homeless and transient community, and university students.

Nevertheless, every estimate we have seen places Boulder's African American population at less than one percent. Even if we were to include the 600 or so African American students at the University of Colorado, Boulder, (Table 2) there is still a relatively small percentage of blacks who were likely to have contact with the BPD. Note that the U.S. Census is designed to identify people who reside in a community on census day. As a result, the census count will generally include students living in dormitories and off-campus residences and persons in shelters.¹⁰

Based on our estimates, we believe that an African American person is about twice as likely to be cited for a traffic or misdemeanor offense than we would expect based on community demographics.